

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1061

Introduced by Assembly Member Fox

February 22, 2013

An act to amend Section 9656 of the Business and Professions Code, relating to cemeteries add Section 40059.4 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1061, as amended, Fox. ~~Cemeteries.~~ *Solid waste: disposal: residents.*

Existing law, the California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided. The act prohibits an ordinance enacted by a city or county from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin and specifies that this prohibition does not require a privately owned or operated solid waste facility to accept certain solid waste from outside the city or county where the facility is located.

This bill would prohibit a solid waste facility from refusing to accept solid waste, which the facility is otherwise authorized to accept, from a person who is a resident of the city or county in which the solid waste facility is located. The bill would specify that a resident of a city or county would include a person who rents or leases residential property in that city or county.

Existing law, the Cemetery Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties, including, but not limited to, licensing and regulating cemetery managers, salespersons, and brokers. Existing law requires the bureau to examine the endowment care funds of cemetery authorities, as specified.

This bill would make technical, nonsubstantive changes to a provision of the Cemetery Act related to endowment care funds.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40059.4 is added to the Public Resources
2 Code, to read:
3 40059.4. (a) A solid waste facility shall not refuse to accept
4 solid waste, which the facility is otherwise authorized to accept,
5 from a person who is a resident of the city or county in which the
6 solid waste facility is located.
7 (b) For purposes of this section, a resident of a city or county
8 includes, but is not limited to, a person who rents or leases
9 residential property in that city or county.
10 (c) This section shall apply to a solid waste facility regardless
11 of whether it is owned or operated by a public agency or by a
12 private entity.
13 ~~SECTION 1. Section 9656 of the Business and Professions~~
14 ~~Code is amended to read:~~
15 ~~9656. If the bureau finds, after notice and hearing, that any~~
16 ~~endowment care funds have been invested in violation of the Health~~
17 ~~and Safety Code, the bureau shall by written order mailed to the~~
18 ~~person or body in charge of the fund require the reinvestment of~~
19 ~~the funds in conformity to that code within a period that shall be~~
20 ~~not less than two years if the investment was made prior to October~~
21 ~~1, 1949, not less than six months if the investment was made on~~
22 ~~or after October 1, 1949, and before the effective date of the~~
23 ~~amendment of this section by the 1969 Regular Session of the~~
24 ~~Legislature, and not less than 30 days if the investment is made~~
25 ~~on or after the effective date of the amendment. The period may~~
26 ~~be extended by the bureau in its discretion.~~

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